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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/829,244	04/22/2004	Rosanna Tenaglia	SJ-12290US	8190
7590 11/15/2005				
DENNISON ASSOCIATES SUITE 301 133 RICHMOND ST. WEST TORONTO, ON M5H 2L7 CANADA		EXAMINER LEWIN, ALLANA		
		ART UNIT 3764 PAPER NUMBER		

DATE MAILED: 11/15/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/829,244

Applicant(s)

TENAGLIA, ROSANNA

Examiner

Allana Lewin

Art Unit

3764

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 22 April 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-9 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-9 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 4/22/2004 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

Drawings

1. The drawings are objected to because Figure 1 contains several lead lines with no reference numerals assigned to them. Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Claim Objections

2. Claim 4 is objected to because of the following informalities: in line 1 of claim 4 applicant has indicated the claim as being dependent on itself. Appropriate correction is

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required. It appears as though the applicant intended claim 4 to depend from claim 1 and therefore the examiner has interpreted the claim and its limitations as though it depends from claim 1.

3. Claim 9 is objected to because of the following informalities: in lines 4 and 6 of the claim, the word 'strip' should instead be --strap--. Appropriate correction is required.

Claim Rejections - 35 USC § 102

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

5. Claims 1, 3 and 5 are rejected under 35 U.S.C. 102(b) as being anticipated by Rodriguez (US Pat. No. 4,337,938).

6. Rodriguez discloses an exercise device, as shown in Figure 2, comprising a strap with a rectangular cross-section (see proximate lead line 14) that is made from a flexible fabric, but may also be made of an elastic material (column 2, lines 61-65), a pair of rigid collars (see proximate lead lines 16 and 18), and hand grips (see proximate lead lines 20, 24, 22, and 28) that removably mount to the strap at the collars (see proximate lead lines 32 and 34).

7. Claims 1, 4 and 9 are rejected under 35 U.S.C. 102(b) as being anticipated by Block (US Pat. No. 5,800,322).

8. Block discloses an exercise device comprising an elastic strap (see proximate lead line 12), a pair of rigid, cylindrical plugs (see proximate lead line 20) which comprehend applicant's 'collars', and a plurality of grip components (see proximate lead lines 32, 34 and 50) which removably mount to the strap at the collars since Block teaches that the entire device may be manually assembled (column 4, lines 29-39) and therefore can be disassembled. Furthermore, the strap wraps around the collars (note Figure 2) and is detained by clips (see proximate lead line 42).

9. Regarding claim 9, broadly, Block teaches a door grip (see proximate lead lines 50, 32 and 34) formed by thin pliant straps (see proximate lead lines 32 and 34) forming a hook receiving loop (see proximate lead lines 32 and 34)). The grip (50) would also comprehend a doorstop member because it is capable of being slid under a door and used as a stop to any extent applicant's grip (59) functions as a doorstop member.

10. Claims 1, 6 and 8 are rejected under 35 U.S.C. 102(b) as being anticipated by Gvoich (US Pat. No. 5,885,196).

11. Gvoich discloses an exercise device comprising a strap composed of a flexible member (see proximate lead line 40) and elastic members (see proximate lead line 30) that provide elasticity to the strap, therefore comprehending applicant's 'elastic strap'. The Gvoich device also teaches rigid members (see proximate lead lines 14 and 16) that comprehend applicant's 'collars', and a plurality of grip components (see proximate

lead lines 62, 64, and 68). The grip components comprise a bar (see proximate lead line 20) that is formed of a plurality of bar segments (note Figure 1) that connect to one another via spring pins (see proximate lead lines 70 and 72), which comprehend applicant's 'snap lock' connection.

Claim Rejections - 35 USC § 103

12. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

13. Claims 1 and 2 are rejected under 35 U.S.C. 103(a) as being unpatentable over Rodriguez in view of Richmond (US Pat. No. 6,494,818).

14. Rodriguez, discussed in detail above, does not disclose the collars to be adjustable lengthwise along the strap. He teaches the device to be adjustable in order for it to be utilized by different size people.

15. Richmond discloses an exercise device comprising a strap (see proximate lead line 48) fitted to a collar (see proximate lead line 52) that employs a buckle or glide member (see proximate lead line 50) making the collar adjustable lengthwise along the strap.

16. Based on the teaching of Richmond and that it is very common and known in the art to employ elements for the purpose of length adjustability, it would have been obvious to one having ordinary skill in the art at the time the invention was made to

have utilized a buckle, glide or clip member on the strap of the Rodriguez device so as to make the collars lengthwise adjustable along the strap and therefore adding more adjustability to the device in order for it to be utilized by different size people.

17. Claims 1 and 7 are rejected under 35 U.S.C. 103(a) as being unpatentable over Gvoich.

18. Gvoich, discussed in detail above, fails to disclose a main body portion with reduced diameter end portions and other segments with end fittings that fit on the end portions. It would have been obvious to one having ordinary skill in the art at the time the invention was made to reduce the diameter of the end portions of the main body portion (see proximate lead line 68) and make the other segments (see proximate lead lines 62 and 68) fit on the end portions with spring pins (see proximate lead lines 70 and 72) positioned on the other segments to engage with the main body portion, since it has been held that a mere reversal of the essential working parts of a device involves only routine skill in the art. *In re Einstein*, 8 USPQ 167. This reversal of parts would allow the other segments (62, 64) to be uniformly manufactured and therefore allow the overall device to more cost efficient.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Allana Lewin whose telephone number is 571-272-5560. The examiner can normally be reached on Monday-Friday, 8AM-4:30PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Gregory Huson can be reached on 571-272-4887. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

AL
11/10/2005



Stephen K. Cronin
Primary Examiner